

AMENDED IN SENATE APRIL 24, 2000

**SENATE BILL**

**No. 1491**

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**Introduced by Senator Leslie**  
**(Coauthor: Senator Johnston)**  
*(Coauthors: Assembly Members Bock, Cox, House,*  
*Longville, Pescetti, and Zettel)*

February 11, 2000

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An act to amend Sections 7604 and 7678 ~~of~~ *of, and add Section 7604.5 to,* the Public Utilities Code, relating to transportation, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1491, as amended, Leslie. Railroad crossings: automated warning devices.

Existing law requires that ~~a~~ *an* audible warning device be sounded from a locomotive engine at least 1320 feet before the intersection of the railroad and a street, road, or highway with certain exceptions. Existing law imposes a civil fine on a railroad corporation that violates this provision and makes it a misdemeanor for a person in charge of a locomotive engine to fail to sound the warning.

This bill would eliminate the requirement that the warning device on the locomotive engine be sounded when approaching a railroad crossing that has a permanent audible warning device that automatically sounds as the locomotive engine approaches the railroad crossing. *This bill would also require the commission to develop and administer a pilot program to test audible warning devices in at least 3*

*communities interested in the devices. Specified deadlines would be required to be met and a report made to the Legislature not later than November 1, 2001.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7604 of the Public Utilities Code  
2 is amended to read:

3 7604. (a) A bell, of at least 20 pounds weight or of  
4 equivalent sound-producing capability, shall be placed on  
5 each locomotive engine, and shall be rung at a distance  
6 of at least 1,320 feet from the place where the railroad  
7 crosses any street, road, or highway, and be kept ringing  
8 until it has crossed the street, road, or highway; or a steam  
9 whistle, air siren, or an air whistle shall be attached, and  
10 be sounded at the like distance, and be kept sounding at  
11 intervals until it has crossed the street, road, or highway,  
12 except as follows:

13 (1) Notwithstanding Section 7678, in a city, the  
14 ringing of the bell or the sounding of the steam whistle,  
15 air siren, or air whistle shall be at the discretion of the  
16 operator of the locomotive engine.

17 (2) When a locomotive engine is engaged in a  
18 switching operation or comes to a stop at any point within  
19 a distance of 1,320 feet from the place at which the  
20 railroad crosses any street, road, or highway, it shall not  
21 be necessary that the bell be rung or the whistle, air siren,  
22 or air whistle be sounded, until the time and from the  
23 place that the locomotive begins an uninterrupted  
24 movement to and across the place at which the railroad  
25 crosses the street, road, or highway.

26 (3) Notwithstanding Section 7678, the ringing of the  
27 bell or the sounding of the steam whistle, air siren, or air  
28 whistle is not required when approaching a railroad  
29 crossing that has a permanently installed ~~clearly~~ audible  
30 warning device *approved by the commission* that sounds



1 automatically when an approaching train is at least 1,320  
2 feet from the place where the railroad crosses any street,  
3 road, or highway, and that keeps ~~ringing until the entire~~  
4 ~~train~~ *sounding until the locomotive engine* has crossed  
5 the street, road, or highway. The automatic warning  
6 ~~device~~ *device* shall sound at the same or greater decibel  
7 level as that set forth in subdivision (a) for a warning  
8 device mounted on a locomotive engine.

9 (b) Any railroad corporation violating this section  
10 shall be subject to a penalty of one hundred dollars (\$100)  
11 for every violation. The penalty may be recovered in an  
12 action prosecuted by the district attorney of the proper  
13 county, for the use of the state. The corporation is also  
14 liable for all damages sustained by any person, and caused  
15 by its locomotives, train, or cars, when the provisions of  
16 this section are not complied with.

17 SEC. 2. *Section 7604.5 is added to the Public Utilities*  
18 *Code, to read:*

19 7604.5. (a) *The commission shall develop and*  
20 *administer a pilot program to test the use of audible*  
21 *warning devices where a railroad crosses a street, road, or*  
22 *highway in at least three communities interested in*  
23 *permanently installing these devices for noise mitigation*  
24 *purposes.*

25 (b) (1) *The commission shall develop guidelines to*  
26 *assist potential applicants and the guidelines shall be*  
27 *available to potential applicants not later than three*  
28 *months after the act that adds this section becomes*  
29 *operative.*

30 (2) *The commission shall take into consideration the*  
31 *public's safety when developing the guidelines for the*  
32 *program.*

33 (3) *The commission shall select at least three sites for*  
34 *the installation of audible warning devices from the pool*  
35 *of qualified applicants not later than six months after the*  
36 *act that adds this section becomes operative. Selected*  
37 *applicants shall install the audible warning devices and*  
38 *complete the data collection requirements of the*  
39 *program not later than eight months after being selected*  
40 *by the commission.*

1 (c) *The commission shall, after compiling and*  
2 *reviewing the data, report its findings to the Legislature*  
3 *not later than November 1, 2001. The data to be collected*  
4 *in the administration of this program shall include, but*  
5 *not be limited to, the calculations discussed in the*  
6 *Introduction to Appendices A and B to 49 C.F.R. Part 222*  
7 *in the Federal Railroad Administration's notice of*  
8 *proposed rulemaking on "Use of Locomotive Horns at*  
9 *Highway-Rail Grade Crossings," as published in Vol. 65,*  
10 *No. 9 of the Federal Register (Thursday, January 13,*  
11 *2000).*

12 SEC. 3. Section 7678 of the Public Utilities Code is  
13 amended to read:

14 7678. Except as provided in paragraphs (1) to (3),  
15 inclusive, of Section 7604, every person in charge of a  
16 locomotive engine who, before crossing any traveled  
17 public way, omits to cause a bell to ring or steam whistle,  
18 air siren, or air whistle to sound at the distance of at least  
19 1,320 feet from the crossing, and up to it, is guilty of a  
20 misdemeanor.

21 SEC. 4. *This act is an urgency statute necessary for*  
22 *the immediate preservation of the public peace, health,*  
23 *or safety within the meaning of Article IV of the*  
24 *Constitution and shall go into immediate effect. The facts*  
25 *constituting the necessity are:*

26 *In order for the test of the pilot program for audible*  
27 *warning devices on locomotive engines and the feasibility*  
28 *of that system to be assessed as soon as possible, it is*  
29 *necessary that this act take effect immediately.*